GIBBS & FUERST LLP
600 B STREET, SUITE 2300
SAN DIEGO, CALIFORNIA 92101
TELEPHONE (619) 702-3505
FACSIMILE (619) 702-1547

Michael T. Gibbs, Bar No. 076519
Steven A. Tisi, Bar No. 169006

Attorneys for Defendants CITY OF BRAWLEY and OFFICER TORRES

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

LUIS GAYTAN, Plaintiff, vs. CITY OF BRAWLEY, OFFICER TORRES, and DOES 1 through DOE 100, Inclusive, Defendants.	No. 07-CV-2353-L-BLM **REQUEST FOR EXCUSE FROM ATTENDANCE AT EARLY NEUTRAL EVALUATION CONFERENCE**

Defendants CITY OF BRAWLEY and OFFICER SEVERO TORRES (hereinafter "defendants") submit the following Request for Excuse from Attendance at Early Neutral Evaluation Conference:

1. Defendants received notice of the Early Neutral Evaluation Conference in this matter on May 14, 2008. The Early Neutral Evaluation Conference is scheduled for May 23, 2008.

2. The principal attorney responsible for the litigation and the adjuster for insured defendants, including defendant Officer Severo Torres, will be able to attend the conference. Unfortunately, defendant Officer Severo Torres has prior commitments related to his duties as a City of Brawley Police Officer which cannot be rescheduled.

3. Both the principal attorney responsible for the litigation and the adjuster for insured defendants have a detailed knowledge of this case, including defendant Officer Severo Torres' version of the incident. Both will be prepared to discuss the facts relating to this matter as well as its application to the law.

4. Despite defendant Officer Severo Torres' unavailability, all defendants, including defendant Officer Severo Torres, would like the conference to go forward. For that reason, express permission has been obtained from defendant Officer Severo Torres to proceed with the conference in his absence.

5. Defendants believe that extraordinary circumstances exist which excuse defendant Officer Severo Torres from attending the conference. It is therefore respectfully requested that an order be issued excusing defendant Officer Severo Torres from attending the Early Neutral Evaluation Conference scheduled for May 23, 2008.

DATED: May 20, 2008

GIBBS & FUERST

BY: *s/Michael T. Gibbs*
MICHAEL T. GIBBS
STEVEN A. TISI
Attorneys for Defendants
CITY OF BRAWLEY and
OFFICER TORRES